

funding under this section, the Secretary shall, to the maximum extent practicable—

“(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

“(2) give priority to projects that maximize the involvement of State, local and, where applicable, Indian Tribe governments.

“(h) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to States with approved weed management entities established by Indian Tribes and may provide an additional allocation to a State to meet the particular needs and projects that the weed management entity plans to address.

“SEC. 455. AGREEMENTS.

“(a) CONSULTATION AND CONSENT.—In carrying out an agreement under this section, the Secretary shall—

“(1) if the activities funded under the agreement will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

“(2) obtain the written consent of the non-Federal landowner.

“(b) APPLICATION OF OTHER LAWS.—The Secretary may enter into agreements under this section with weed management entities notwithstanding sections 6301 through 6309 of title 31, United States Code, and other laws relating to the procurement of goods and services for the Federal Government.

“(c) ELIGIBLE ACTIVITIES.—Activities carried out under an agreement under this section may include the following:

“(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

“(2) Other activities to control or eradicate noxious weeds.

“(d) SELECTION OF ACTIVITIES.—Activities funded under this section shall be selected by the Secretary taking into consideration the following:

“(1) The severity of the noxious weeds problem or potential problem addressed by the activities.

“(2) The likelihood that the activity will prevent or resolve the problem, or increase knowledge about resolving similar problems.

“(3) The extent to which the activity will provide a comprehensive approach to the control or eradication of noxious weeds.

“(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

“(5) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

“(6) Other factors that the Secretary determines to be relevant.

“(e) REGIONAL, STATE, AND LOCAL INVOLVEMENT.—In determining which activities receive funding under this section, the Secretary shall, to the maximum extent practicable—

“(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

“(2) give priority to activities that maximize the involvement of State, local, and, where applicable, representatives of Indian Tribe governments.

“(f) RAPID RESPONSE PROGRAM.—At the request of the Governor of a State, the Secretary may enter into a cooperative agreement with a weed management entity in that State to enable rapid response to outbreaks of noxious weeds at a stage which rapid eradication and control is possible and to ensure eradication or immediate control of the noxious weeds if—

“(1) there is a demonstrated need for the assistance;

“(2) the noxious weed is considered to be a significant threat to native fish, wildlife, or their habitats, as determined by the Secretary;

“(3) the economic impact of delaying action is considered by the Secretary to be substantial; and

“(4) the proposed response to such threat—

“(A) is technically feasible;

“(B) economically responsible; and

“(C) minimizes adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems.

“SEC. 456. RELATIONSHIP TO OTHER PROGRAMS.

“Funds under this Act (other than those made available for section 455(f)) are intended to supplement, not replace, assistance available to weed management entities, areas, and districts for control or eradication of noxious weeds on Federal lands and non-Federal lands. The provision of funds to a weed management entity under this Act (other than those made available for section 455(f)) shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31, United States Code.

“SEC. 457. AUTHORIZATION OF APPROPRIATIONS.

“(a) GRANTS.—To carry out section 454, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs.

“(b) AGREEMENTS.—To carry out section 455 of this subtitle, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.”.

SEC. 2. TECHNICAL AMENDMENT.

The table of sections in section 1(b) of the Agricultural Risk Protection Act of 2000 is amended by inserting after the item relating to section 442 the following:

“Subtitle E—Noxious Weed Control and Eradication

“Sec. 451. Short title.

“Sec. 452. Definitions.

“Sec. 453. Establishment of program.

“Sec. 454. Grants to weed management entities.

“Sec. 455. Agreements.

“Sec. 456. Relationship to other programs.

“Sec. 457. Authorization of Appropriations.”.

Amend the title so as to read “An Act to require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.”

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to both bills, and the motions to reconsider be laid upon the table, en bloc, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, OCTOBER 11, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Monday, October 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be

reserved, and the Senate resume consideration of the conference report to accompany H.R. 4520, the FSC/ETI JOBS bill; and the time until 12 be divided as follows: Senator BOXER, 15 minutes; Senator LANDRIEU, 30 minutes; Senator BAUCUS or his designee, 15 minutes; Senator GRASSLEY or his designee, 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. I was busy making notes. If I could ask the majority leader, would that include a few minutes for me to do morning business?

Mr. FRIST. Through the Chair, that would be for tonight?

Mr. TALENT. Yes.

Mr. FRIST. I will do that shortly.

PROGRAM

Mr. FRIST. Tomorrow, the Senate will resume consideration of the FSC/ETI JOBS conference report. Under the previous order, at 12 we will proceed to a vote on adoption of that conference report. That will be a rollcall vote. Following that vote, the order provides for us to dispose of the Military Construction appropriations bill and the Homeland Security appropriations bill and a number of other housekeeping measures.

As we indicated earlier, those will be completed without rollcall votes. Therefore, for scheduling purposes we will have one rollcall vote at 12, and that should conclude our voting. Again, I thank Members for their participation over this weekend.

We had a very full day yesterday and a very, very full day today. I do appreciate the cooperation of everyone. It was a real inconvenience to people's schedules, but it has allowed us to reach conclusion at a much earlier time than we would otherwise.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I mentioned off the microphones today to the two leaders, an hour or so ago, we are here on a Sunday and our dear friend, the senior Senator from West Virginia, Mr. BYRD, talked about the Sabbath and we were all so impressed with his remarks, but I say that if there ever were a time legislatively when the ox was in the mire, it was this weekend. But for our being here as a result of the work of the two leaders, Senator FRIST and Senator DASCHLE, we would not have completed the people's business.

We basically have done that tonight. Tomorrow we come in for some formalities: the FSC bill; cloture was invoked today and it will pass tomorrow and that is our only recorded vote. So I want the RECORD to reflect that Senators DASCHLE and FRIST are the two leaders for a good reason. It is very hard to get where we are, and we all have apologized on a number of occasions for having to come in on Sunday. It is a rare occasion we do that. But I repeat, the ox was in the mire. We had to do that. The ox is out of the mire,